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THE RIGHTS OF SELF-DEFENCE.

BY JONATHAN DYMOND.

THE right of defending ourselves against violence is easily deducible from the law of nature. There is, however, little need to deduce it, because mankind are at least *sufficiently* persuaded of its lawfulness. The great question which the opinions and principles that now influence the world make it needful to discuss is, whether the right of self-defence is absolute and unconditional,—whether every action whatever is lawful, provided it is necessary to the preservation of life? They who maintain the affirmative, maintain a great deal; for they maintain, that whenever life is endangered, all rules of morality are, as it respects the individual, suspended, annihilated,—every moral obligation is taken away by the single fact, that life is threatened.

Yet the language that is ordinarily held upon the subject implies the supposition of all this. “If our lives are threatened with assassination or open violence from the hands of robbers or enemies, *any* means of defence would be allowed and laudable.”* Again: “There is one case in which *all* extremities are justifiable, namely, when our life is assaulted, and it becomes necessary for our preservation to kill the assailant.”†

The reader may the more willingly inquire, whether these propositions are true, because most of those who lay them down are at little pains to *prove* their truth. Men are extremely

* Grotius: Rights of War and Peace.

† Paley: Mor. and Pol. Phil., p. 3, b. 4, c. 1.

willing to acquiesce in it without proof, and writers and speakers think it unnecessary to adduce it. Thus, perhaps, it happens, that fallacy is not detected because it is not sought. If the reader should think that some of the instances which follow are remote from the ordinary affairs of life, he is requested to remember, that we are discussing the soundness of an alleged *absolute rule*. If it be found that there are or have been cases in which it is not absolute,—cases in which *all* extremities are not lawful in defence of life,—then the rule is not sound; then there are some limits to the right of self-defence.

If “*any* means of defence are laudable,” if “*all* extremities are justifiable,” then they are not confined to acts of resistance to the assailing party. There may be other conditions upon which life may be preserved, than that of violence towards *him*. Some ruffians seize a man in the highway, and will kill him unless he will conduct them to his neighbor’s property, and assist them in carrying it off. May this man unite with them in the robbery, in order to save his life, or may he not? If he may, what becomes of the law, Thou shalt not steal? If he may not, then *not every means* by which a man may preserve his life is “laudable” or “allowed.” We have found an exception to the rule. There are twenty other wicked things which violent men may make the sole condition of not taking our lives. Do all wicked things become lawful because life is at stake? If they do, morality surely is at an end. If they do not, such propositions as those of Grotius and Paley are untrue.

A pagan has unalterably resolved to offer me up in sacrifice on the morrow, unless I will acknowledge the deity of his gods, and worship them. I shall presume, that the Christian will regard these acts as being, under every possible circumstance, unlawful. The night offers me an opportunity of assassinating him. Now I am placed, so far as the argument is concerned, in precisely the same situation, with respect to this man, as a traveller is with respect to a ruffian with a pistol. Life in both cases depends on killing the offender. Both are acts of self-defence. Am I at liberty to assassinate this man? The heart of the Christian surely answers, No. Here then is a case in which I may not take a violent man’s life in order to save my own. We have said that the heart of the Christian answers, No; and this, we think, is a just species of appeal. But if any one doubts whether the assassination would be unlawful, let him consider whether one of the Christian apostles would

have committed it in such a case. Here, at any rate, the heart of every man answers, No. And mark the reason ;—because every man perceives that the act would have been palpably inconsistent with the apostolic character and conduct ; or, which is the same thing, with a *Christian* character and conduct.

Or put such a case in a somewhat different form. A furious Turk holds a scimeter over my head, and declares he will instantly dispatch me unless I abjure Christianity, and acknowledge the divine legation of “the prophet.” Now there are two supposable ways in which I may save my life ; one by contriving to stab the Turk, and one “by denying Christ before men.” You say I am not at liberty to deny Christ, but I am at liberty to stab the man. *Why* am I not at liberty to deny him ? Because Christianity forbids it. Then we require you to show that Christianity does *not* forbid you to take his life. Our religion pronounces both actions to be wrong. You say that under these circumstances the *killing* is right. Where is your proof ? What is the ground of your distinction ? But, whether it can be adduced or not, our immediate argument is established,—that there are *some* things which it is not lawful to do in order to preserve our lives. This conclusion has indeed been practically acted upon. A company of inquisitors and their agents are about to conduct a good man to the stake. If he could by any means destroy these men, he might save his life. It is a question, therefore, of self-defence. Supposing these means to be within his power,—supposing he could contrive a mine, and, by suddenly firing it, blow his persecutors into the air,—would it be lawful and Christian thus to act ? No. The common judgments of mankind respecting the right temper and conduct of the martyr pronounce it to be wrong. It is pronounced to be wrong by the language and example of the first teachers of Christianity. The conclusion, therefore, again is, that all extremities are *not* allowable in order to preserve life ;—that *there is a limit to the right of self-defence*.

It would be to no purpose to say, that in some of the instances which have been proposed, *religious* duties interfere with and limit the rights of self-defence. This is a common fallacy ; religious duties and moral duties are identical in point of obligation, for they are imposed by one authority. Religious duties are not obligatory for any other reason than that which attaches to moral duties also ; namely, the will of God. He who violates the moral law is as truly unfaithful in his allegiance to God, as he who denies Christ before men. So that we

come at last to one single and simple question, whether taking the life of a person who threatens ours is or is not compatible with the moral law. We refer for an answer to the broad principles of Christian piety and Christian benevolence; that piety which reposes habitual confidence in the Divine Providence, and an habitual preference of futurity to the present time; and that benevolence which not only loves our neighbors as ourselves, but feels that the Samaritan or the *enemy* is a neighbor. There is no conjuncture in life in which the exercise of this benevolence may be suspended; none in which we are not required to maintain and to practise it. Whether want implores our compassion, or ingratitude returns ills for our kindness; whether a fellow-creature is drowning in a river, or assailing us on the highway; every where, and under all circumstances, the duty remains.

Is killing an assailant, then, *within* or *without* the limits of this benevolence? As to the man, it is evident that no good-will is exercised towards him by shooting him through the head. Who indeed will dispute that, before we can destroy him, benevolence towards him must be excluded from our minds? We not only exercise no benevolence ourselves, but preclude him from receiving it from any human heart; and, which is a serious item in the account, we cut him off from all possibility of reformation. To call sinners to repentance was one of the great characteristics of the mission of Christ. Does it appear consistent with this characteristic, for one of his followers to take away from a sinner the power of repentance? Is it an act that accords, and is congruous, with Christian love?

But an argument has been attempted here. That we may "kill the assailant is evident in a state of nature, unless it can be shown that we are bound to prefer the aggressor's life to our own; that is to say, to love our enemy *better* than ourselves; which can never be a debt of justice, nor any where appears to be a duty of charity."* The answer is this: That although we may not be required to love our enemy *better* than ourselves, we are required to love him *as* ourselves; and therefore, in the supposed case, it would still be a question equally balanced, which life ought to be sacrificed; for it is quite clear, that if we kill the assailant, we love him *less* than ourselves, which does seem to militate against a duty of charity. But the truth is, that he who, from motives of obedience to the

* Paley: Mor. and Pol. Phil., p. 3, b. 4, c. 1.

will of God, spares the aggressor's life even to the endangering his own, does exercise love both to the aggressor and to himself, *perfectly*: to the aggressor, because by sparing his life we give him the opportunity of repentance and amendment; to himself, because every act of obedience to God is perfect benevolence towards ourselves; it is consulting and promoting our most valuable interests; it is propitiating the favor of him who is emphatically "a rich rewarder." So that the question remains as before, not whether we should love our enemy better than ourselves, but whether Christian principles are acted upon in destroying him; and if they are not, whether we should prefer Christianity to ourselves,—whether we should be willing to lose our life for Christ's sake and the gospel's.

Perhaps it will be said that we should exercise benevolence to the public as well as to the offender, and that we may exercise more benevolence to them by killing than by sparing him. But very few persons, when they kill a man who attacks them, kill him out of benevolence to the public. That is not the motive which influences their conduct, or which they at all take into the account. Besides, it is by no means certain that the public would lose any thing by the forbearance. To be sure, a man can do no more mischief after he is killed; but then it is to be remembered, that robbers are more desperate and more murderous from the apprehension of swords and pistols than they would be without it. Men are desperate in proportion to their apprehensions of danger. The plunderer, who feels a confidence that his own life will not be taken, may conduct his plunder with comparative gentleness; while he who knows that his life is in immediate jeopardy, stuns or murders his victim lest he should be killed himself. The *great* evil which a family sustains by a robbery is often not the loss, but the terror and the danger; and these are the evils which, by the exercise of forbearance, would be diminished. So that if some bad men are prevented from committing robberies by the fear of death, the public gains in other ways by the forbearance; nor is it by any means certain that the balance of advantages is in favor of the more violent course. The argument which we are opposing proceeds on the supposition that our own lives are endangered. Now it is a fact, that this very danger results, in part, from the want of habits of forbearance. We publicly profess that we would kill an assailant; and the assailant, knowing this, prepares to kill us when otherwise he would forbear.

And, after all, if it were granted that a person is at liberty to take an assailant's life, *in order to preserve his own*, how is he to know, in the majority of instances, whether his own would be taken? When a man breaks into a person's house, and this person, as soon as he comes up with the robber, takes out a pistol and shoots him, we are not to be told that this man was killed "in defence of life." Or, go a step further, and a step further still, by which the intention of the robber to commit personal violence or inflict death is more and more probable; you must at last shoot him in uncertainty, whether your life was endangered or not. Besides, you can withdraw,—you can fly. None but the predetermined murderer *wishes* to commit murder. But, perhaps, you exclaim, "Fly! fly, and leave your property unprotected!" Yes,—unless you mean to say that preservation of property, as well as preservation of life, makes it lawful to kill an offender. This were to adopt a new and a very different proposition; but a proposition which I suspect cannot be separated in practice from the former. He who affirms that he may kill another in order to preserve his life, and that he may endanger his life in order to protect his property, does, in reality, affirm that he may kill another in order to preserve his property. But such a proposition, in an unconditional form, no one surely will tolerate. The laws of the land do not admit it, nor do they even admit the right of taking another's life simply because he is attempting to take ours. They require that we should be tender even of the murderer's life, and that we should fly rather than destroy it.*

We say that the proposition, that we may take life in order to preserve our property, is intolerable. To preserve how much?—five hundred pounds, or fifty, or ten, or a shilling, or a sixpence? It has actually been declared that the rights of self-defence "justify a man in taking all forcible methods which are necessary in order to procure the restitution of the freedom or the property of which he had been unjustly deprived."† All forcible methods to obtain restitution of property! No limit to the nature or effects of the force! No limit to the insignificance of the amount of the property! Apply, then, the rule. A boy snatches a bunch of grapes from a fruiterer's stall. The fruiterer runs after the thief, but finds that he is too light of foot to be overtaken. Moreover, the boy eats as he runs. "All forcible methods," reasons the fruiterer, "are justifiable to obtain restitution of property. I may fire after

* Blackstone: Com., v. 4, c. 4.

† Gisborne: Moral Philosophy.

the plunderer, and when he falls, regain my grapes." All this is just and right, if Gisborne's proposition is true. It is a dangerous thing to lay down maxims in morality.

The conclusion, then, to which we are led by these inquiries is, that he who kills another, even upon the plea of self-defence, does not do it in the predominance nor in the exercise of Christian dispositions; and if this is true, is it not also true that his life cannot be thus taken in conformity with the Christian law?

But this is very far from concluding that no resistance may be made to aggression. We may make, and we ought to make, a great deal. It is the duty of the civil magistrate to repress the violence of one man towards another, and by consequence it is the duty of the individual, when the civil power cannot operate, to endeavor to repress it himself. I perceive no reasonable exception to the rule, that whatever Christianity permits the magistrate to do in order to restrain violence, it permits the individual, under such circumstances, to do also.

Many kinds of resistance to aggression come strictly within the fulfilment of the law of benevolence. He who, by securing or temporarily disabling a man, prevents him from committing an act of great turpitude, is certainly his benefactor; and if he be thus reserved for justice, the benevolence is great both to him and to the public. It is an act of much kindness to a bad man to secure him for the penalties of the law; or it *would be* such, if penal law were in the state in which it ought to be, and to which it appears to be making some approaches. It would then be very probable that the man would be reformed; and this is the greatest benefit which can be conferred upon him and upon the community.

The exercise of Christian forbearance towards violent men is not tantamount to an invitation of outrage. Cowardice is one thing; this forbearance is another. The man of true forbearance is of all men the least cowardly. It requires courage in a greater degree and of a higher order, to practise it when life is threatened, than to draw a sword or fire a pistol. No; it is the peculiar privilege of Christian virtue, to approve itself even to the bad. There is something in the nature of that calmness, and self-possession, and forbearance, that religion effects, which obtains, nay, which almost commands, regard and respect. How different the effect upon the violent tenants of Newgate, the hardihood of a turnkey and the mild courage of an Elizabeth Fry! Experience, incontestable experience,

has proved that the minds of few men are so depraved or desperate as to prevent them from being *influenced* by real Christian conduct. Let him therefore, who advocates the taking the life of an aggressor, first show that all other means of safety are vain; let him show that bad men, notwithstanding the exercise of true Christian forbearance, persist in their purposes of death; when he has done this, he will have adduced an argument in favor of taking their lives, which will not, indeed, be conclusive, but which will approach nearer to conclusiveness than any that has yet been adduced.

Of the consequences of forbearance, even in the case of personal attack, there are some examples. Archbishop Sharpe was assaulted by a footpad on the highway, who presented a pistol, and demanded his money. The archbishop spoke to the robber in the language of a fellow-man and of a Christian. The man was really in distress, and the prelate gave him such money as he had, and promised that if he would call at the palace, he would make up the amount to fifty pounds. This was the sum of which the robber had said he stood in the utmost need. The man called and received the money. About a year and a half afterward, this man again came to the palace, and brought back the same sum. He said that his circumstances had become improved, and that, through the "astounding goodness" of the archbishop, he had become "the most penitent, the most grateful, and the happiest of his species." Let the reader consider how different the archbishop's feelings were, from what they would have been, if, by his hand, this man had been cut off.*

Barclay, the apologist, was attacked by a highwayman. He substituted for the ordinary modes of resistance a calm exposition. The felon dropped his presented pistol, and offered no further violence. A Leonard Fell was similarly attacked, and from him the robber took both his money and his horse, and then threatened to blow out his brains. Fell solemnly spoke to the man on the wickedness of his life. The robber was astonished; he had expected, perhaps, curses, or perhaps a dagger. He declared he would not keep either the horse or the money, and returned both. "If thine enemy hunger, *feed him*; for in so doing thou shalt heap coals of fire on his head."† The tenor of the short narrative that follows is somewhat different. Ellwood, who is known to the literary world as the

* See *Lon. Chron.*, Aug. 12, 1785. See also *Life of Granville Sharpe, Esq.*, p. 13.

† *Select Anecdotes, &c.*, by John Barclay.

suggester to Milton of *Paradise Regained*, was attending his father in his coach. Two men waylaid them in the dark, and stopped the carriage. Young Ellwood got out, and on going up to the nearest, the ruffian raised a heavy club, "when," says Ellwood, "I whipped out my rapier, and made a pass upon him. I could not have failed running him through up to the hilt," but the sudden appearance of the bright blade terrified the man so that he stepped aside, avoided the thrust, and both he and the other fled. "At that time," proceeds Ellwood, "and for a good while after, I had no regret upon my mind for what I had done." This was while he was young, and when the forbearing principles of Christianity had little influence upon him. But afterward, when this influence became powerful, "a sort of horror," he says, "seized on me when I considered how near I had been to the staining of my hands with human blood. And whensoever afterward I went that way, and indeed as often since as the matter has come into my remembrance, my soul has blessed him who preserved and withheld me from shedding man's blood."*

That those over whom, as over Ellwood, the influence of Christianity is imperfect and weak, should think themselves at liberty upon such occasions to take the lives of their fellow-men, needs to be no subject of wonder. Christianity, if we would rightly estimate its obligations, must be felt in the heart. They in whose hearts it is not felt, or felt but little, cannot be expected perfectly to know what its obligations are. I know not, therefore, that more appropriate advice can be given to him who contends for the lawfulness of taking another man's life in order to save his own, than that he would first inquire whether the influence of religion is dominant in his mind. If it is not, let him suspend his decision until he has attained to the fulness of the stature of a Christian man. Then, as he will be of that number who *do* the will of Heaven, he may hope to "know, of this doctrine, whether it be of God."

THE ALTON TRAGEDY.

THE murder of Lovejoy on the 7th of last November at Alton by a mob, called forth a burst of indignation from every quarter, and contributed to multiply adherents to the cause in which he fell. In this part of the result we sincerely rejoice; but we deeply lament, that the great body of abolitionists should have sanctioned the use

* Ellwood's Life.